

**NEVADA DEPARTMENT OF
CONSERVATION & NATURAL RESOURCES**

STATE ENVIRONMENTAL COMMISSION

HEARING ARCHIVES FOR

REGULATORY PETITIONS

COMMISSION PETITION NO. 95013

LEGISLATIVE COUNSEL BUREAU (LCB) FILE NO. R-035-95

DOCUMENTS INCLUDED IN THIS FILE:

YES SECRETARY OF STATE FILING FORM

YES DISCLOSURE STATEMENT PURSUANT TO NRS 233B

REGULATORY PETITIONS

ORIGINAL DRAFTED BY COMMISSION

ADOPTED BY COMMISSION

YES AS FILED AND CODIFIED BY LCB

Secretary of State
Filing Data

For Filing Administrative
Regulations

For Emergency
Regulations Only

Effective Date _____

Expiration Date _____

Governor's Signature

Nevada State Environmental Commission

Classification [] Proposed [] Adopted By Agency [xx] Temporary [] Emergency []

Brief description of action: **Petition 95013** permanently amends Nevada Administrative Code 444.570 to 444.7499, "Disposal of Solid Waste". The regulation grants a two-year extension of the general effective date for new landfill standards for Class II solid waste landfills from October 9, 1995 to October 9, 1997.

Authority citation other than 233B: NRS 444.560

Notice date: August 31, September 6, and September 12, 1995

Hearing date: October 3, 1995

Date of Adoption of Agency: October 3, 1995

**LEGISLATIVE REVIEW OF ADOPTED
REGULATIONS AS REQUIRED
BY THE NEVADA ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066**

**PETITION 95013
LCB FILE R-035-95**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) 445B.

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Petition 95013 (R-035-95) was noticed three (3) times: August 31, September 6, 1995 and September 12, 1995 in the Las Vegas Review and Reno Gazette-Journal newspapers as a permanent petition. This petition was previously noticed as a temporary petition. No public comment was received. A copy of the written comments may be obtained by calling the Nevada State Environmental Commission (702) 687-4670, or writing in to the Commission at 333 W. Nye Ln., Room 128, Carson City, Nevada 89710.

2. The number persons who:

- | | | |
|------------|--|----|
| (a) | Attended each hearing; | 23 |
| (b) | Testified at each hearing: | 14 |
| (c) | Submitted to the agency written comments: No comments were submitted regarding this petition, however written comments were submitted for petitions 95003, 96001 and 96002. | |

3. A description of how comment was solicited from affected businesses, a summary of their response, and a explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses by the notices in the newspapers, as outlined in #1 and by direct mail to interested persons subscribing to the Commission's mailing list. No comment was received from affected businesses. A copy of the written comments may be obtained by calling the Nevada State Environmental Commission (702) 687-4670 or writing in to the Commission at 333 W. Nye Ln., Room 128, Carson City, Nevada 89710.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

This permanent regulation was adopted at the State Environmental Commission hearing on October 3, 1995 with no changes proposed by the public, businesses or the agency. This regulations was previously adopted as a temporary regulation on June 20, 1995.

5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:

- (a) Both adverse and beneficial effects: and
- (b) Both immediate and long-term effects.
 - a. Adoption of the Class II extension for landfills will have no economic effect on the regulated businesses. Cost to comply with existing regulations will be deferred for an additional two years.
 - b. Adoption of the Class II extension will lessen the short-term economic burden of compliance with new landfill standards within rural communities.

6. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the agency for enforcement.

7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

There are no other state or government agency regulations which the proposed amendments duplicate.

8. Whether this regulation contains provisions which are more stringent than a federal regulation which regulates the same activity and a summary of such provisions.

This regulation does not contain provisions more stringent than federal regulations governing the same activity.

9. Whether this regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

No fees are established or increased by this regulation.

ADOPTED PERMANENT REGULATION OF THE
NEVADA STATE ENVIRONMENTAL COMMISSION

LCB File No. R035-95

Explanation: Matter in *italics* is new; matter in [] is material to be omitted. Matter in *italics* is new language.

AUTHORITY: NRS 444.560

Section 1. Chapter 444 of NAC is hereby by adding thereto a new section to read as follows:

Except as otherwise provided in NAC 444.7482, the owner or operator of a municipal solid waste landfill unit in a Class I site shall comply with the requirements for monitoring ground water according to the following schedule:

- 1. An existing municipal solid waste landfill unit and lateral expansion that is less than 1 mile from a surface or subsurface intake for drinking water must comply with NAC 444.7483 to 444.7492, inclusive, by October 9, 1994.*
- 2. An existing municipal solid waste landfill unit and lateral expansion that is at least 1 mile but less than 2 miles from a surface or subsurface intake for drinking water must comply with NAC 444.7483 to 444.7492, inclusive, by October 9, 1995.*
- 3. An existing municipal solid waste landfill unit and lateral expansion that is at least 2 miles from a surface or subsurface intake for drinking water must comply with NAC 444.7483 to 444.7492, inclusive, by October 9, 1996.*
- 4. A new municipal solid waste landfill unit must comply with NAC 444.7483 to 444.7492, inclusive, before waste may be placed in the unit.*

Sec. 2. NAC 444.6405 is hereby amended to read as follows:

- 444.6405 1. Except as otherwise provided in subsection 2, the owner or operator of a disposal site must obtain a permit to operate the site from the appropriate solid waste management authority.
2. The following sites are exempt from the provisions of subsection 1:
- (a) Composting bins which are operated at a personal residence for personal use; and
 - (b) Municipal composting operations for yard wastes.
3. The owner or operator of a proposed disposal site shall obtain a permit before the construction or operation of that site. An application for a permit must be submitted at least 180 days before the anticipated start of construction, to allow sufficient time for the review and issuance of the permit.
4. A disposal site for which a notice of intent to either close the site by November 8, 1993, or continue operations after November 8, 1993, has not been submitted to the solid waste management authority shall be deemed to be an open dump. **[All disposal] Class I** sites which are to continue operations after November 8, 1993, must have a permit issued by the solid waste management authority by October 9, 1996. *Class II sites which are to continue operations after November 8, 1993, must have a permit issued by the solid waste management authority by October 9, 1999.*
5. Interim approval shall be deemed to be granted to an owner or operator who submits a notice of intent to continue operations after November 8, 1993, to the solid waste management authority. The owner or operator to whom interim approval is granted must operate and maintain the site in compliance with all applicable statutes and regulations to maintain that approval. The interim approval is effective until the site is closed or a permit is issued for the site.

Sec. 3. NAC 444.711 is hereby amended to read as follows:

444.711 1. ~~[The]~~ *Except as otherwise provided in NAC 444.7481 and 444.7482, the* owner or operator of a Class II site shall ~~[install,]~~ *comply with the requirements for monitoring ground water* by October 9, ~~[1996, a system for monitoring the ground water which complies with NAC 444.7483, if all of the municipal solid waste landfill units within the site are more than 2 miles from an intake for drinking water.~~

2. The owner or operator of a Class II site shall install, by October 9, 1995, a system for monitoring the ground water which complies with NAC 444.7483, if any municipal solid waste landfill unit within the site is less than 2 miles from an intake for drinking water.

3. The owner or operator of a new Class II site shall install a system for monitoring ground water that complies with NAC 444.7483] 1997, or if the site is new, before the receipt of waste, ~~[or by October 9, 1995,]~~ whichever is later.

~~[4.]~~ 2. The owner or operator of a Class II site shall comply with the requirements of NAC 444.7484 to 444.7942, inclusive, once a ground monitoring system has been installed in compliance with NAC 444.7483.

Sec. 4. NAC 444.716 is hereby amended to read as follows:

444.716 Solid wastes must be covered as follows:

1. Until October 9, ~~[1993]~~ 1997, all solid wastes of a Class II site must be covered with a suitable material compacted to a minimum uniform thickness of 6 inches at least twice each week, with no more than 4 days between consecutive coverings. Exceptions to the requirement for semiweekly cover may be approved by the solid waste management authority for some items if special provisions are made for their handling. An example would be bulky, nonputrescible items which might be stored in a designated area and crushed and incorporated in the landfill on a monthly basis allowing use of a smaller piece of equipment for routine operation.

2. The final cover must be graded to drain runoff of surface water. The top slope must have a grade of not less than 2 percent and not more than 4 percent.

3. The integrity of all cover must be maintained. All cracks, depressions and erosion of the cover for surface and side slopes of fills must be promptly repaired.

Sec. 5. NAC 444.7175 is hereby amended to read as follows:

444.7175 The owner or operator of a Class II site that stops receiving waste before October 9, ~~[1995]~~ 1997, shall:

1. Comply with the requirements for a final cover site forth in NAC 444.6891; and

2. Complete activities for the closure of each municipal solid waste landfill unit at the site within 180 days after the last receipt of waste.

Sec. 6. NAC 444.728 is hereby amended to read as follows:

444.728 1. Salvaging is prohibited at the working face of a Class II site. Scavenging is prohibited at a Class II site.

2. The area must be inspected semiweekly and all scattered papers and other lightweight debris returned to the fill area and covered.

3. The operator of a Class II site shall establish provisions concerning weighing or otherwise adequately measuring and recording all solid waste delivered to the site.

4. The operation of a Class II site must be approved by the solid waste management authority.

5. The operator of a Class II site shall:

(a) Comply with the requirements relating to the maintenance and operation of the site set forth in 40 C.F.R. Parts 258.20 to 258.29, inclusive, effective October 9, ~~[1993]~~ 1997; and

(b) Submit semiannually to the division a report of the solid waste received at the site. The report must be submitted on a form prescribed by the division.

Sec. 7. NAC 444.7481 is hereby amended to read as follows:

444.7481 1. The requirements for monitoring ground water set forth in NAC 444.7483 to 444.7492, inclusive, may be suspended by a solid waste management authority for a municipal solid waste landfill unit **[in a Class I site]** if the owner or operator can demonstrate that there is no potential for migration of hazardous constituents from that unit to the uppermost aquifer during the active life of the unit, including the period of closure and postclosure. The demonstration must be certified by a qualified ground-water scientist and approved by the solid waste management authority. The demonstration must be based upon:

(a) Measurements collected at specific field sites and the sampling and analysis of physical, chemical and biological processes affecting the fate and transportation of contaminants; and

(b) Predictions of the fate and transportation of contaminants which are based on the maximum possible rate of the migration of the contaminants and a consideration of the impacts on public health and safety and the environment.

2. **[Except as otherwise provided in NAC 444.7482, the owner or operator of a municipal solid waste landfill unit in a Class I site shall comply with the requirements for monitoring ground water according to the following schedule:**

(a) **An existing municipal solid waste landfill unit and lateral expansion that is less than 1 mile from a surface or subsurface intake for drinking water must comply with NAC 444.7483 to 444.7492, inclusive, by October 9, 1994.**

(b) **An existing municipal solid waste landfill unit and lateral expansion that is at least 1 mile but less than 2 miles from a surface or subsurface intake for drinking water must comply with NAC 444.7483 to 444.7492, inclusive, by October 9, 1995.**

(c) **An existing municipal solid waste landfill unit and lateral expansion that is at least 2 miles from a surface or subsurface intake for drinking water must comply with NAC 444.7482 to 444.7492, inclusive, by October 9, 1996.**

(d) **A new municipal solid waste landfill unit must comply with NAC 444.7483 to 444.7492, inclusive, before waste may be placed in the unit.**

3.] Once monitoring of ground water begins at a municipal solid waste landfill unit, the owner or operator of the unit shall continue to monitor the ground water throughout the active life of the unit, including the period of closure and postclosure, as specified in NAC 444.6894.

Sec. 8. Section 135 of the regulation adopted by the state environmental commission that was filed with the secretary of state on November 8, 1993, and designated as LCB File No. R051-93 is hereby amended to read as follows:

Sec. 135. 1. This section and sections 1 to 72, inclusive, 86 to 115, inclusive, 117 to 126, inclusive, and 128 to 134.5, inclusive, of this regulation become effective upon filing with the secretary of state.

2. **[Sections 85 and 127 become effective on October 9, 1995.**

3.] Section 73 to 84, inclusive, and 116 become effective on April 9, 1995.

3. **Sections 85 and 127 become effective on October 9, 1997.**

END OF LCB FILE NO. R035-95